

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES VINCENT BANKS,

Defendant.

3:11-CR-102-LRH-(VPC)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on November 15, 2012, defendant JAMES VINCENT BANKS pled guilty to Count One of a One-Count Second Superseding Criminal Information charging him with Possession of a Firearm by a Convicted Felon in violation of Title 18, United States Code, Section 922(g)(1). Second Superseding Information, ECF No. 21; Change of Plea, ECF No. 23.

This Court finds defendant JAMES VINCENT BANKS agreed to the forfeiture of the property set forth in Forfeiture Allegation of the Second Superseding Criminal Information. Second Superseding Information, ECF No. 21; Change of Plea, ECF No. 23.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Second Superseding Criminal Information and the offense to which defendant JAMES VINCENT BANKS pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c):

1. a Hi Point, model C9, 9 mm pistol, serial number P1439968; and
2. any and all ammunition ("property").

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of JAMES VINCENT BANKS in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South Virginia Street, 3rd Floor, Reno, NV 89501.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Greg Addington
Assistant United States Attorney
100 West Liberty Street, Suite 600
Reno, NV 89501

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 DATED this 29th day of November, 2012.

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10 LARRY R. HICKS
11 UNITED STATES DISTRICT JUDGE
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